

EXHIBIT A TO THE PARTIES' PATENT LOCAL RULE 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

U.S. Patent No. 9,368,936				
Claim Term	Waymo's Proposed Construction	Waymo's Supporting Evidence	Defendants' Proposed Construction	Defendants' Supporting Evidence
<p>"diode"</p> <p>(claims 1, 9, 17)</p>	<p>Plain meaning</p>	<p><u>Intrinsic Evidence</u></p> <p>'936 patent at 4:65-5:16, 17:65-18:10, 18:24-43, 20:3-18, 22:38-53; Figs. 5A, 5C, 5D, 5E; claims 1, 4, 9, 12, 17.</p> <p><u>Extrinsic Evidence</u></p> <p>Waymo may provide expert testimony from Dr. Andrew Wolfe to address the meaning and subject matter of this claim term as it would be understood by those of ordinary skill in the art at the time the patent-in-suit was filed, to address the proper construction of various claim terms in light of the intrinsic and extrinsic evidence and/or the meaning of the term to one of ordinary skill in the art, to rebut claim construction positions taken by Defendants and/or any of its experts, and to otherwise assist the Court.</p>	<p>"a two terminal semiconductor device with an anode and a cathode that allows the flow of current in one direction only"</p>	<p><u>Intrinsic Evidence</u></p> <p>'936 Patent at 1:50-2:16; 5:9-16; 17:47-18:11; 18:29-40, 18:58-67, 19:28-30, Figs 5a, 5b, 5c, 5e, 6b, 6c, claims 1, 9, and 17.</p> <p><u>Extrinsic Evidence</u></p> <p>Dictionary definitions of "diode" from The Illustrated Dictionary of Electronics, Eighth Edition and Modern Dictionary of Electronics, Seventh Edition.</p> <p>Defendants expect to provide expert testimony from Dr. Philip Hobbs regarding: (1) the state of the art of the '936 Patent; (2) the level of a person of ordinary skill in the art at the time of the '936 Patent; (3) disclosed embodiments in the '936 Patent; (4) how a person of ordinary skill would interpret the claim language in view of the intrinsic record of the '936 Patent; and (5) opinions offered by any expert retained by Waymo. Alternatively or in addition to, Defendants Uber and Ottomotto may</p>

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				provide expert testimony on one or more of the above topics from Dr. Michael Lebby.
“charging path” (claims 1, 9, 17)	Plain meaning	<p><u>Intrinsic Evidence</u></p> <p>'936 patent at 1:58-62, 4:65-5:5, 17:51-58, 18:23-43, 22:38-23:13; Figs. 5A, 5C, 5D, 5E; claims 1, 9, and 17.</p> <p><u>Extrinsic Evidence</u></p> <p>Waymo may provide expert testimony from Dr. Andrew Wolfe to address the meaning and subject matter of this claim term as it would be understood by those of ordinary skill in the art at the time the patent-in-suit was filed, to address the proper construction of various claim terms in light of the intrinsic and extrinsic evidence and/or the meaning of the term to one of ordinary skill in the art, to rebut claim construction positions taken by Defendants and/or any of its experts, and to otherwise assist the Court.</p>	<p>“a path allowing current to flow from the inductor to the capacitor, the path configured to charge the capacitor to a voltage higher than the supply voltage”</p>	<p><u>Intrinsic Evidence</u></p> <p>'936 Patent at 1:50-2:16; 5:24-35; 18:31-67, 19:25-31, 20:35- 49, 21:40-52, 26:54-27:3, Figs 5a, 5b, 5c, 5e, 6b, 6c, claims 1, 9, and 17.</p> <p><u>Extrinsic Evidence</u></p> <p>Defendants expect to provide expert testimony from Dr. Philip Hobbs regarding: (1) the state of the art of the '936 Patent; (2) the level of a person of ordinary skill in the art at the time of the '936 Patent; (3) disclosed embodiments in the '936 Patent; (4) how a person of ordinary skill would interpret the claim language in view of the intrinsic record of the '936 Patent; and (5) opinions offered by any expert retained by Waymo. Alternatively or in addition to, Defendants may provide expert testimony on one or more of the above topics from Dr. Michael Lebby.</p>

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Claim Term	Waymo's Proposed Construction	Waymo's Supporting Evidence	Defendants' Proposed Construction	Defendants' Supporting Evidence
<p>“wherein the capacitor is charged immediately following emission of a pulse of light from the light emitting element”</p> <p>(claims 3, 11, 19)</p>	Plain meaning	<p><u>Intrinsic Evidence</u></p> <p>’936 patent at 2:4-7, 3:39-65, 5:17-35, 17:26-40, 17:58-64, 18:12-22, 19:14-24, 19:33-40, 19:55-20:11, 21:53-22:12, 22:38-23:13, 25:21-32, 25:44-51, 26:24-59; Figs. 5A, 5B, 5C, 5D, 5E, 6A, 6B, 6C; claims 1, 3, 9, 11, 17, 19; U.S. Patent No. 7,969,558 at 7:18-49, Figs. 23A and 23B.</p> <p><u>Extrinsic Evidence</u></p> <p>Waymo may rely on expert testimony from Dr. Andrew Wolfe to explain why a person of ordinary skill in the art at the time of the invention would have been able to determine with reasonable certainty the scope and meaning of the phrase, “wherein the capacitor is charged immediately following emission of a pulse of light from the light emitting element.”</p>	Indefinite	<p><u>Intrinsic Evidence</u></p> <p>Fig. 5b, 6c, 21:53-22:12 28:56-59.</p> <p><u>Extrinsic Evidence</u></p> <p>Defendants expect to provide expert testimony from Dr. Philip Hobbs regarding: (1) the state of the art of the ’936 Patent; (2) the level of a person of ordinary skill in the art at the time of the ’936 Patent; (3) disclosed embodiments in the ’936 Patent; (4) a person of ordinary skill at the time of the ’936 Patent would not be able to determine, with any reasonable certainty, the scope of this claim limitation; and (5) opinions offered by any expert retained by Waymo. Alternatively or in addition to, Defendants may provide expert testimony on one or more of the above topics from Dr. Michael Lebby.</p>